APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,062	09/25/2003	Luigi Pichetti	FR920020074US1	5829

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ART UNIT	PAPER NUMBER
2184	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/671,062	PICHETTI ET AL.
	Examiner	Art Unit	
	ELIAS MAMO	2184	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 October 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1, in lines 25-28, recite "an indication of the physical role of each computer in a first set of computers of the plurality of computers is stored in a memory structure of the corresponding computer at an installation of the computer in the data processing system..." This limitation is not supported by the specification and it introduces a new matter. Applicant is required to cancel the new matter in reply to this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leymann et al.

(US 6,237,020), herein after referred to as Leymann et al. '020.

Referring to **claim 1,** Leymann et al. '020 teaches, as claimed, in a data processing

system with a distributed architecture including a plurality of computers (i.e.-computer

systems within distributed networks, col. 12, lines 64-65), each computer playing at

least one of a plurality of predetermined roles in the data processing system (Note: each

computer has a role of being as a source or a target computer), a method of configuring

the computers comprising:

    -defining a target configuration for each role based on a reference model for a

software product (col. 4, lines 48-51), the reference model specifying for each role,

components of the software product that are to be installed on a computer having the

role (i.e.-the software requirement are provided for each of plurality of target computer

systems, col. 4, lines 53-55),

    -defining, in a transition table data structure (i.e.-defining of a process model, col.

4, lines 16-18), for each current state/target state pair of each component of the

software product, an identifier of one or more actions required to reach the target state

from the current state (i.e.-the process model includes a plurality of activities and

software requirements for each of activities, col. 4, lines 39-43),

    -identifying, for each computer in the plurality of computers at least one physical

role, the physical role identifying at least one function the computer plays within the

distributed architecture of the data processing system, or responsibility of the computer

within the distributed architecture of the data processing system (Note: the target

computer system is identified according to the computer system-description which

includes the activity to be carried out by the target computer system, col. 4, lines 5-9),

Identifying, for each computer in the plurality of computers, at least one logical

role, defined by software configuration of the computer (Note: the software environment

on the target computer system is identified in order to select among the multiple

versions of software package, col. 3, lines 5-7), and configuring each computer

according to a target configuration corresponding to the at least one physical role and

the at least one logical role of the entity based on the current state/target state pairs in

the transition table data structure (Note: the software distribution management system

delivers and installs the requested software on the target computer system based on

the process model for distributing software to a target computer system, col. 13, lines 1-

8), wherein: an indication of the physical role of each computer in a first set of

computers of the plurality of computers is stored in a memory structure of the

corresponding computer at an installation of the computer in the data processing

system (i.e.-all information about the current state of a process is stored in the database

maintained by the server, col. 11, lines 3-5), and identifying the at least one physical

role of each computer in the first set of computer includes retrieving the indication of the

corresponding physical role from the memory structure (col. 13, lines 17-22); and a

software application includes a plurality of software features (Note: a software package

comes with a plurality of features for different processor types, col. 3, lines 2-3), each

logical role being associated with a corresponding software feature.

However, Leymann et al. '020 does not explicitly disclose wherein the identifying the at least one logical role of each computer in the plurality of computers includes: detecting a software feature installed on the computer, and establishing the logical role of the computer according to the installed software feature: and wherein the configuring each computer according to the target configuration includes: detecting a current configuration of the computer, identifying at least one action required to reach the target configuration from the current configuration, and executing the at least one action on the computer.

At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Leymann et al. '020 so that identifying the at least one logical role of each computer in the plurality of computers includes:, detecting the software feature installed on the entity, and establishing the logic role according to the installed software feature; and configuring each computer according to the target configuration includes detecting a current configuration of the entity, identifying at least one action required to reach the target configuration from the current configuration, and executing the at least one action on the computer, since it is merely an alternate arrangement which falls within the level of ordinary artisan in the art. Detecting and identifying of a process or an event and executing/performing an action depending on the result of the identifying step, are known options within the technical grasp of a person of ordinary skill in the art. The motivation for doing so would have been to implement a dynamic installation of software/application programs into a corresponding target computer in a distributed data processing system.

Response to Arguments

Applicant's arguments filed on 10/15/2008 have been fully considered but they are not persuasive.

Applicants argued that **"Leymann does not take into consideration the physical role and logical roles of the particular computing devices."** (Page 7, 2nd paragraph, lines 2-3). Further more, Applicants also argued that Leymann does not teach "at least one physical role, defined by architecture of the data processing system, and at least one logical role, defined by a software configuration of the computer." (Page 8, 2nd paragraph, lines 6-7)

The Examiner disagrees with the above statement. Leymann discloses a physical role consideration in which the target computer system is identified according to the computer system-description which includes the activity to be carried out by the target computer system (col. 4, lines 5-9); and the logical role consideration which is the software environment on the target computer system is identified in order to select among the multiple versions of software package, (col. 3, lines 5-7).

Applicants also argued that nothing in the cited sections of Leymann teaches or suggests **"an indication of a physical role of each computer in a first set of computers of the plurality of computers being stored in a memory structure of the corresponding computer at an installation of the computer in the data processing system…"** (Page 11, 3rd paragraph, 1-5)

The Examiner disagrees with the above argument. The specification describes that catalogue 215 is stored in the server (see page 6) and the above argument is not

supported by the specification. Leymann discloses that all information is stored on the server, which innately teaches the information being stored in the memory structure of the server.

Further more, Applicants argued that **"...nowhere in Leymann is there the determination of individual software featured of a software product that are implemented on a computer and then correlating those with a particular logical role that the computer has."** (Page 12, last paragraph, lines 7-9)

The Examiner disagrees with the above argument. Leymann teaches that the software environment on the target computer system is identified in order to select among the multiple versions of software package (col. 3, lines 5-7), which means that identifying the software configuration of the computer and correlating it to the logical role of the computer.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIAS MAMO whose telephone number is (571) 270-1726 and fax number (571) 270-2726. The examiner can normally be reached on Monday thru Thursday from 9 AM to 5 PM EST. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai, can be reached on (571) 272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. M./
Examiner, Art Unit 2184

/Henry W.H. Tsai/
Supervisory Patent Examiner, Art Unit 2184